

Serial No. 10/824,500

Attorney Docket No. 01-619

REMARKS

Claims 33-49 are pending. Claims 1-32 have been canceled. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

The new claims are being submitted together with the concurrently-filed Request for Continued Examination (RCE) in accordance with 37 CFR 1.111 and 1.114. The new claims are being presented with the RCE before compliance with the new continuation/RCE rules is required.

For the second time, the examiner is reminded that one of the references he cited, European Patent Pub. No. EP1101670, Losey ("Losey") is not listed in any Notice of References Cited, Form PTO-892. Accordingly, Losey is not yet of record. The examiner is again respectfully requested to formally make Losey of record by listing Losey in a Notice of References Cited, Form PTO-892, as required, and forwarding a copy of the Form to the undersigned at the earliest opportunity.

Claims 11-17, 24, 25 and 29 were rejected under 35 USC 102(b) as being anticipated by European Patent No. 0582081, Matsumoto ("Matsumoto"). Claims 1-3, 6, 8-9, 27 and 32 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,212,473, Stefan et al. ("Stefan") in view of U.S. Patent No. 7,027,915, Craine ("Craine"). Claim 4 was rejected under 35 USC 103(a) as being unpatentable over Stefan and Craine, further in view of U.S. Patent No. 6,711,474, Treyz et al. ("Treyz"). Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Stefan, Craine, and European Patent Pub. No EP1101670, Losey ("Losey").¹ Claim 7 was rejected under 35 USC 103(a) as being unpatentable over Stefan and Craine, further

¹ Losey is not yet of record, because it has not been listed in a Form PTO-892, even though Losey was first cited by the examiner. The examiner is again urged to list Losey in a notice of References Cited, Form PTO-892.

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in view of U.S. Patent No. 6,232,874, Murphy. Claim 18 was rejected under 35 USC 103(a) as being unpatentable over Matsumoto and Treyz. Claim 19 was rejected under 35 USC 103(a) as being unpatentable over Matsumoto and Losey. Claims 20 and 22 were rejected under 35 USC 103(a) as being unpatentable over Matsumoto and Stefan. Claim 21 was rejected under 35 USC 103(a) as being unpatentable over Matsumoto and Murphy. Claim 28 was rejected under 35 USC 103(a) as being unpatentable over Stefan and Craine in view of Matsumoto. Claim 30 was rejected under 35 USC 103(a) as being unpatentable over Stefan and Craine, further in view of U.S. Patent No. 5,513,107, Gormley ("Gormley"). Claim 31 was rejected under 35 USC 103(a) as being unpatentable over Matsumoto and Gormley.

Claims 1-9, 11-22, 24, 25 and 27-32 were canceled, and new claims 33-49 were added by way of the above amendment. Support for the new claims is located in the application as originally filed. Examples of support are provided in the table below.

New claim(s)	Example of support in specification
33, 44	Original claim 1; page 7, lines 9-22; FIG. 1, elements 100, 300; FIG. 3, S100, S110, S20, S50-S70; S40; FIG. 4, S90; FIG. 5A; FIG. 5B.
34, 45, 46, 48	Page 7, lines 19-22.
35, 49	Page 7, lines 19-22; page 8, lines 12-21.
36	Page 4, lines 1 and 8-9.
37	Page 7, lines 15-17.
38	Page 10, lines 18-25; previous claims 5 and 7.
39	Page 7, lines 5-12.
40	Page 6, lines 4-6; page 7, lines 10-22.
41	Page 7, line 25 to page 9, line 17.
42	Original claim 6; FIG. 2, e.g. element 101.
43	Page 11, lines 7-9.
47	Page 7, lines 13-22; FIG. 3

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Insofar as the rejections might be applied to the new claims, the rejections are respectfully traversed for reasons including the following, which are provided by way of example.

New independent claim 33 recites, for example, “a storing unit configured to store personal positional information associated with navigating the vehicle to a position of personal significance; and a privacy switch configured to switch to a privacy mode from an unrestricted use mode based on an unauthenticated switch operation to thereby deactivate the unrestricted use mode and activate the privacy mode while locking further activation of the unrestricted use mode that is unauthenticated, wherein: when the privacy mode is activated, any access to the personal positional information is prohibited, and when the unrestricted use mode is activated, access to the personal positional information is permitted without authentication.” (See also new independent claim 44.) Accordingly, the privacy switch switches to a privacy mode from an unrestricted use mode based on an unauthenticated switch operation (e.g., page 7, line 15; S100 (YES), S110, S20) to deactivate the unrestricted use mode and activate the privacy mode while locking further activation of the unrestricted use mode (e.g., S50-S70). New independent claim 44 generally contains similar recitations to claim 33; new independent claim 47 recasts new independent claim 33 as a method claim.

In short, the “privacy switch” can switch to a privacy mode from an unrestricted use mode based on an unauthenticated switch operation, to thereby deactivate the unrestricted use mode and activate the privacy mode while locking further activation of the unrestricted use mode.

Please refer to Attachment A attached hereto, illustrating a comparison of an embodiment according to the present claims with the cited references, e.g., Stefan and Matsumoto. The claims recite a privacy switch; the references fail to teach or suggest a privacy switch as recited.

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Furthermore, the claims recite two switchable modes: “when the privacy mode is activated, any access to the personal positional information is prohibited, and when the unrestricted use mode is activated, access to the personal positional information is permitted without authentication.” The claims also recite, in combination, that the privacy switch switches “to a privacy mode ... while locking further activation of the unrestricted use mode that is unauthenticated.” Accordingly, activation of the unrestricted use mode is locked when the privacy mode is activated. None of the references teach or suggest such a privacy switch that easily activates privacy mode but uses, e.g., an authentication or key for unlocking the unrestricted use mode.

To the contrary, according to Matsumoto, when an input password is a registered password, access is allowed. More particularly, Matsumoto only describes a typical authentication process for the “Access Control Area.” (Col. 3, lines 12-53, especially 43-47.) Accordingly, Matsumoto fails to teach or suggest a privacy switch as recited, for example which prohibits access when being turned on.

Stefan is also deficient. Stefan discloses that when a password or passcode is authenticated, private settings are allowed. (Col. 4, lines 47-50.) More particularly, Stefan also discloses typical authentication for the “Access Control Area.” Accordingly, Stefan fails to teach or suggest the privacy switch as recited.

None of the other references disclose anything which could even be argued to be something like a privacy switch.

Hence, Matsumoto and/or Stefan, alone or in combination, fail to teach or suggest the combination of features recited in the new independent claims, when considered as a whole.

With respect to the dependent claims, applicant respectfully submits that these claims are

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allowable not only by virtue of their dependency from the new independent claims, but also because of additional features they recite in combination.

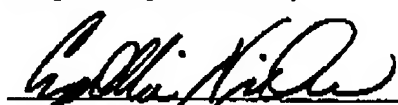
The applicant respectfully submits that, as described above, the cited art does not show or suggest the combination of features recited in the claims. The applicant does not concede that the cited art shows any of the elements recited in the claims. However, the applicant has provided specific examples of elements in the claims that are clearly not present in the cited art.

The applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the cited art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicant has provided examples of why the claims described above are distinguishable over the cited references.

In view of the foregoing, the applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

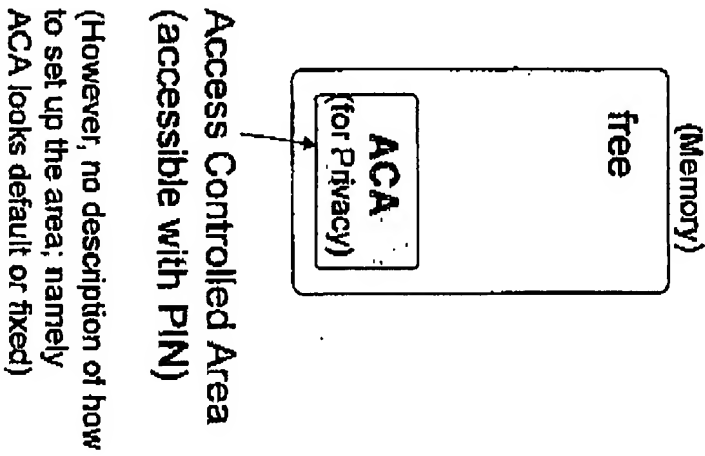


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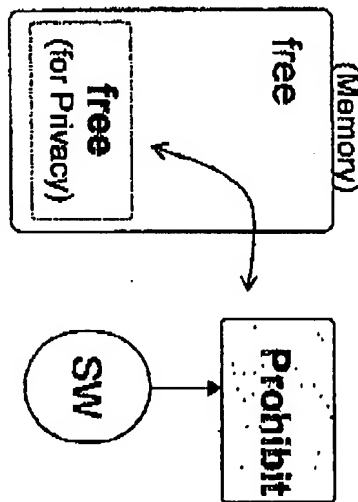
Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
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Customer No. 23400

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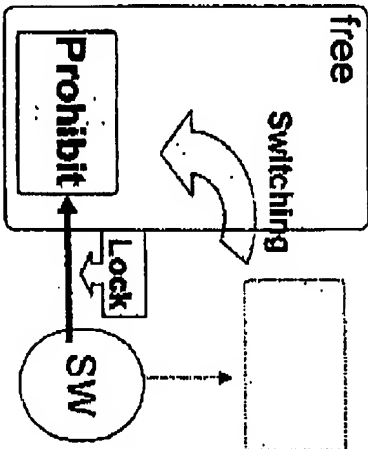
(Stefan, Matsumoto)



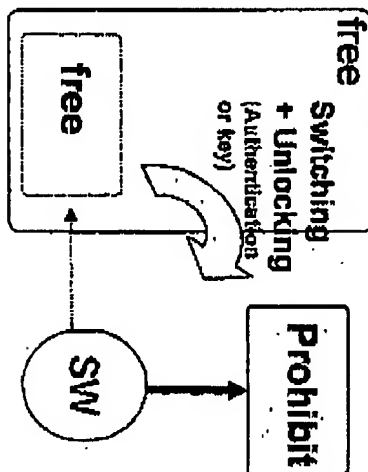
Present Application



Privacy mode is activated (e.g., Valet Parking)



Unrestricted Use mode is activated



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